

REMARKS

Claims 2-23 are currently pending in the application. Claims 4 and 10 are amended to correct two obvious typographical errors that were minor enough that one of ordinary skill would have understood the scope of the claim. The specification is likewise amended to correct a reference numeral. New claims 13-23 depend from claim 12, and are method claims corresponding to the subject matter of claims 2-11. They find support in these claims, and in the specification, *e.g.*, at page 4, lines 5-7. Claims 13 and 14, for instance, are based on claim 2, and claims 15-23 are based on claims 3-11. No new matter is added.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement on April 26, 2005. Due to an oversight, all of the references but one were initialed by the examiner. The sole uninitialialed reference and page 9 of the initialed PTO-1449 are submitted herewith as Exhibit A. Applicants respectfully request that the reference entry on this page of the PTO-1449 be initialed by the Examiner and the page returned to Applicants.

Claim Rejections

Claims 2-4, 6-9 and 11-12 were rejected under 35 U.S.C. § 102(e) as anticipated by Fleener *et al.*, (U.S. Pat. No. 6,908,427; “Fleener”).

An issued U.S. patent can be asserted as prior art upon its issuance, and is prior art under 35 U.S.C. § 102(e)(1) and (2) as of its earliest effective U.S. filing date.

The present application claims priority to U.S. provisional application no. 60/408,556, filed September 6, 2002. Fleener was filed on December 30, 2002, and claims priority to no previous application. The cited reference therefore cannot be used as prior art against the present application.

Furthermore, the device disclosed in Fleener appears to be removable (*e.g.*, it is “adapted for selective attachment” to the endoscope (Abstract; col. 2, lines 10-13) or is attachable by surgical tape, threaded connectors or snap-fit means (col. 8, lines 1-9)).

Applicants request that the rejection on the basis of this reference be reconsidered and withdrawn.

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Amendment and Reply

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Inventors: Aznoian *et al.*
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Applicants submit that all of the claims are now in condition for allowance, which action is requested. Please apply any charges or credits to deposit account no. 50-1721.

Respectfully submitted,



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